

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON A. DILETTO	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL J. ASTRUE	:	NO. 11-1091

ORDER

AND NOW, this 9th day of December, 2011, upon careful and independent consideration of plaintiff Jason A. Diletto's brief and statement of issues in support of request for review (docket entry # 6), defendant Michael J. Astrue's response thereto (docket entry # 7), defendant's amended response to request for review (docket entry # 8), plaintiff's reply (docket entry # 9), and the Honorable Jacob P. Hart's report and recommendation (docket entry # 11), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Magistrate Judge Hart that the Administrative Law Judge did not adequately develop the record on the issues of whether (1) the evidence supports the marked and extreme findings of Diletto's treating mental health experts as set forth in the September 14, 2009 Assessment of Mental Ability to do Work-Related Activities form, and (2) the ALJ's inference about the credibility of Diletto's complaints of disabling back pain drawn from his unsuccessful work attempt was

permissible and appropriate as a matter of logic and experience,  
it is hereby ORDERED that:

1. Magistrate Judge Hart's report and recommendation  
(docket entry # 11) is APPROVED and ADOPTED;

2. Plaintiff's request for review (docket entry # 6)  
is GRANTED IN PART;

3. This case is REMANDED to the Commissioner pursuant  
to the fourth sentence of 42 U.S.C. § 405(g) for further  
proceedings consistent with Magistrate Judge Hart's report and  
recommendation; and

4. The Clerk of Court shall CLOSE this case  
statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.